



FACT SHEET

The Safe and Secure America Act of 2009

Background: The *Safe and Secure America Act of 2009* reauthorizes three national security provisions for 10 years: two from the USA PATRIOT Act and one from the Intelligence Reform Act. The three provisions are set to expire at the end of 2009.

Following the attacks of September 11, the USA PATRIOT Act was enacted to help federal law enforcement and intelligence officials address the new terrorist threat. In 2006, after nearly two years of congressional debate, all but two provisions of the PATRIOT Act and one provision of the Intel Reform Act were reauthorized and made permanent.

Expiring Provisions:

1) Roving Wiretaps Provision (Section 206 of the PATRIOT Act):

Section 206 of the PATRIOT Act authorizes FISA court orders for multipoint or “roving” wiretaps for foreign intelligence investigations. **A “roving” wiretap applies to an individual and allows the government to use a single wiretap order to cover any communications device that the suspect uses or may use.**

This type of wiretap differs from a traditional criminal wiretap that only applies to a particular phone or computer used by a target. Without roving wiretap authority, investigators would be forced to seek a new court order each time they need to change the location, phone or computer that needs to be monitored.

We know that terrorists and foreign spies use multiple communications devices to evade detection. Roving wiretaps are necessary in intelligence investigations to make sure investigators don’t lose track of critical information from suspects under surveillance.

2) The So-Called “Library Provision” (Section 215 of the PATRIOT Act):

Section 215 of the PATRIOT Act allows the FBI to apply to the FISA court for an order granting access to tangible items—including books, records, papers, and other documents—in foreign intelligence, international terrorism and clandestine intelligence cases.

The USA PATRIOT Reauthorization Act of 2005 contains several protections against abuses of Section 215 authority, including Congressional oversight, procedural protections, application requirements and a judicial review process.

We know several of the 9-11 terrorists used public computers to review their September 11 tickets. In the context of intelligence or terrorism investigations—and only in that context—investigators should have the authority to request a court order to review business records.

3) “Lone Wolf” Provision (Section 6001 of Intelligence Reform Act)

Section 6001 of the Intelligence Reform Act amends the definition of “agent of a foreign power” to include individual foreign terrorists who may not be directly affiliated with a foreign power or international terrorist organization. **Under this provision, terrorists who work on their own cannot escape surveillance simply because they are not agents of a foreign power or avowed members of an international terrorist group.**

Richard Reid—the “Shoe-Bomber”—is an example of what a “lone wolf” terrorist looks like. So are Timothy McVeigh and Ted Kaczynski, though this law does NOT apply to them because they are U.S. citizens. **The lone wolf provision only applies to foreign terrorists or agents of a foreign power.**

Terrorist Activity since September 11:

America is fortunate to not have experienced a terrorist attack on U.S. soil since 9-11. But just because we have not had another attack here at home, doesn’t mean that the threat has diminished.

Many Americans have probably forgotten the reasons behind additional security measures at the airport, like removing shoes or limited liquids in carry-ons. But these restrictions are a direct result of thwarted attacks.

- In December 2001, Richard Reid (aka the “Shoe Bomber”) attempted to ignite explosives hidden in his boots on American Airlines flight 63 from Paris to Miami. He is currently serving a life sentence.
- In August 2006, 24 suspects were arrested in London for plotting to blow up transatlantic flights between Great Britain and America using liquid explosives.

Additionally, Americans overseas remain vulnerable to terrorist attacks. In October 2008, the U.S. Embassy in Yemen was attacked by terrorists in a double car bombing that killed 16 people. A terrorist group called Al-Jihad claimed responsibility for the suicide attack.

Americans have not been the only targets since 2001. Our allies have suffered casualties as well.

- In 2004, the Madrid train bombing killed 191 people and wounded nearly 1,800. An al-Qaeda inspired terrorist organization is believed to have orchestrated the suicide attack.
- In July 2005, the London subway bombings killed 52 people and wounded 700. The suicide attackers are thought to be connected with al-Qaeda.
- And just last year, in November 2008, a Pakistani-based terrorist organization coordinated an attack on hotels in Mumbai killing 173 people and wounding over 300.